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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,999	12/18/2001	Daniel Hoo	659/792	3560

7590

09/16/2003

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EXAMINER

EDWARDS, LAURA ESTELLE

ART UNIT

PAPER NUMBER

1734

8

DATE MAILED: 09/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/024,999

Applicant(s)

HOO ET AL

Examiner

Laura E. Edwards

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 1-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6) ☐ Other: _____

Election/Restrictions

This application contains claims 1-17 drawn to a non-elected invention. A complete reply to the final rejection should include cancellation of nonelected claims.

Claim Rejections - 35 USC § 112

Claims 18-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 18, it is uncertain whether the hydrophobic web constitutes a structural limitation to the apparatus. The claim language, as written, suggests that the web is merely the substrate intended to be used with the apparatus because 1) the preamble states that the apparatus is “for wetting a substrate” and the only substrate mentioned in the claim is the hydrophobic web; 2) Applicants have not recited a supply or source of the substrate, the substrate being a hydrophobic web comprising a water-dispersible binder; and 3) the apparatus as written comprises “a pair of press rolls and a solution applicator”, the emphases being placed on “and” and NOT a pair of press rolls, a solution applicator, and a hydrophobic web. In other words, substantial evidence would preclude one from reading the wetting apparatus to include the combination of press rolls, a solution applicator, AND a hydrophobic web comprising a water dispersible binder. In absence of clear language in claim 18 to designate the web as being a structural and integral part of the claimed invention, the web is merely read as the substrate intended to be used with the apparatus.

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Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 18, 22, 26, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Leonard et al (US 3,844,813) for reasons cited in the previous office action.

Claims 18-22 and 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Bolton et al (US 4,447,924) for reasons cited in the previous office action.

Please note that Bolton et al teach a pair or press or pull rolls (64, 66 [65]).

Claims 18, 21, 22, and 26-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Bafford et al (US 5,089,296) for reasons cited in the previous office action.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leonard et al (US 3,844,813) for reasons mentioned in the previous office action.

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Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bolton et al (US 4,447,924) for reasons mentioned in the previous office action.

Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bafford et al (US 5,089,296) for reasons mentioned in the previous office action.

Response to Arguments

Applicants' arguments filed 6/26/03 have been fully considered but they are not persuasive.

Applicants contend that the 112 second paragraph rejection of claims 18-28 should be withdrawn because it is clear that the claimed invention, to an apparatus, includes the combination of press rolls, wetting solution applicator, and hydrophobic web comprising a water dispersible binder because the hydrophobic web is mentioned in the body of the claim and details to the web are set forth in the specification.

This argument is not deemed persuasive for detailed reasons set forth above in the 112-second paragraph section. Applicants' failure to recite a supply or source of the hydrophobic web or even rewriting the claim to suggest a hydrophobic web, a pair of press rolls, and a solution applicator to deliver wetting solution to the web when passing between the press rolls confirms that the web is not a necessary structure or part in the wetting apparatus as claimed. The mentioning of the web particulars in the specification provides evidence as to the various types

of materials which the web can be made from but do not discern the web to be an integral and structural part of the wetting apparatus.

Applicants contend that the claimed invention is not anticipated by Leonard et al because Leonard et al do not teach the hydrophobic web used by Applicants and that the apparatus can provide 25% add-on of wetting solution. This argument is not deemed persuasive because Leonard et al structurally anticipate the claimed invention by teaching the use of press rolls and a solution applicator which provide add-on of liquid or wetting solution to webs of various types as evidenced by lines 1-4 of the abstract and col. 8, lines 60+ of the specification. Leonard et al provide an apparatus structurally capable of delivering wetting solution of at least 25% add-on to a web. Applicants' claimed invention does not clearly recite a source or supply of hydrophobic web with water dispersible binder in combination with the press rolls and solution applicator such that Leonard et al do not have to teach such a combination.

Applicants contend that the claimed invention is not anticipated by Bolton et al because Bolton et al do not teach the hydrophobic web used by Applicants and that the apparatus can provide 25% add-on of wetting solution. This argument is not deemed persuasive because Bolton et al structurally anticipate the claimed invention by teaching the use of press rolls and a solution applicator, which provide add-on of liquid or wetting solution to webs of various types as evidenced by col. 6, lines 17-21 of the specification. Bolton et al provide an apparatus structurally capable of delivering wetting solution of at least 25% add-on to a web. Applicants' claimed invention does not clearly recite a source or supply of hydrophobic web with water dispersible binder in combination with the press rolls and solution applicator such that Bolton et al do not have to teach such a combination.

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Applicants contend that the claimed invention is not anticipated by Bafford et al because Bafford et al do not teach the hydrophobic web used by Applicants and that the apparatus can provide 25% add-on of wetting solution. This argument is not deemed persuasive because Bafford et al structurally anticipate the claimed invention by teaching the use of press rolls and a solution applicator which provide add-on of liquid or wetting solution to webs of various types as evidenced by col. 8, Table 1 and col. 1, lines 10-12 of the specification. Bafford et al provide an apparatus structurally capable of delivering wetting solution of at least 25% add-on to a web. Applicants' claimed invention does not clearly recite a source or supply of hydrophobic web with water dispersible binder in combination with the press rolls and solution applicator such that Bafford et al do not have to teach such a combination.

Applicants contend that all 103 rejections should be withdrawn because neither Leonard et al, Bolton et al, nor Bafford et al teach each and every element of the claims. This argument is not deemed persuasive because Leonard, Bolton, and Bafford et al teach all the structural limitations of the claims including press rolls and a solution applicator and provide structure capable of placement of at least 25 % add on of liquid or wetting solution to a web regardless of the web type.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**


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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura E. Edwards whose telephone number is (703) 308-4252. The examiner can normally be reached on M-Th/First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (703) 308-3853. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7115 for regular communications and Same as above for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


Laura E. Edwards
Primary Examiner
Art Unit 1734

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September 12, 2003